

EXHIBIT D

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCESCO GALLO,

Plaintiff,

-against-

CASE NO.

07 CV 06418 (CM) (HP)

ALITALIA - LINEE AEREE ITALIANE -
SOCIETA PER AZIONI, PIERANDREA GALLI,
and GIULIO LIBUTTI

Defendants.

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1633 Broadway
47th Floor
New York, New York 10019-7513

January, 22, 2008
1:25 p.m.

DEPOSITION of GIULIO LIBUTTI, the Defendant
in the above-entitled action, taken on behalf of the
Plaintiff, held at the above time and place, and taken
before Rachael Hodgson, a reporter and Notary Public
within and for the State of New York.

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1 G. LIBUTTI	1 G. LIBUTTI
2 A. I don't know.	2 Mr. Gallo was the only person in charge of all legal
3 Q. Do you know if McKinzie had a secretary at	3 aspect. He advised the company that the best way was an
4 Alitalia?	4 early retirement plan to not have any legal problem.
5 MR. KORAL: Objection.	5 Q. Now you said the head office told you to reduce
6 A. I don't know.	6 the number of employees?
7 Q. Do you know if Mr. Gallo received paychecks after	7 A. Not to me.
8 September 15th of 2005?	8 MR. KORAL: Objection.
9 A. I don't know.	9 Q. Who did the head office tell that to?
10 Q. Do you know if Mr. Gallo ever submitted a bill	10 MR. KORAL: Objection.
11 for any consultancy services after September of 2005?	11 A. The office didn't say to reduce the number of
12 A. Not to me.	12 employees. The office say that you should take care of
13 Q. Do you know if he did to anyone?	13 the cost of the company and of, course, number employees
14 A. I don't know.	14 means a lot of cost for the company. So one of the
15 Q. Did you ever discuss it with him?	15 action, apart of other actions to reduce the cost has
16 A. No.	16 been taken. We transfer the company from 666 off of
17 MR. SMITH: Take a five minute break.	17 Fifth Avenue to Empire State Building to reduce the
18 MR. KORAL: Sure.	18 cost.
19 (Whereupon, a short recess was taken from	19 Q. And whose idea was it to reduce the number of
20 2:16 until 2:20 p.m.)	20 employees?
21 Q. Did Alitalia ever introduce a pension plan for	21 MR. KORAL: Objection.
22 any of its employees?	22 A. It's one of the -- if you have to reduce the cost
23 A. Pension plan?	23 and one of the needs is to reduce the number of
24 Q. Yes.	24 employees in terms of organization, to reorganize the
25 A. When I was in the United States I knew there was	25 company, to improve efficiency and productivity.
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1 G. LIBUTTI	1 G. LIBUTTI
2 a pension plan, yes.	2 Q. Whose idea what is it?
3 Q. What about an early retirement plan?	3 MR. KORAL: Objection.
4 A. Yeah.	4 A. Head office.
5 Q. How many early retirement plans are you aware of?	5 Q. You said before that the head office gave the
6 A. If I remember, two.	6 idea of reducing the cost?
7 Q. And when was the first one?	7 A. Yes.
8 A. 2004.	8 Q. Did they also give the idea of reducing the
9 Q. And that was in New York?	9 number of employees or was that your idea, Mr. Galli's
10 A. Yeah.	10 idea, or Mr. Gallo's idea.
11 Q. And how did you first become aware of this early	11 A. No, it was not a direct order. They said if it's
12 retirement plan in 2004?	12 possible according to the law of each country because it
13 A. Because we had a meeting with Mr. Galli, Mr.	13 was a world wide request, please check if there is any
14 Gallo, myself, our financial controller and I was aware	14 possibility to reduce the cost of reducing the number of
15 there was an early retirement plan.	15 employees.
16 Q. Who called that meeting?	16 Q. And that was in 2004?
17 A. Probably Mr. Galli.	17 A. 2004, yes.
18 Q. Was the early retirement plan Mr. Galli's idea?	18 Q. And can you tell me what steps were taken within
19 A. No, it was Mr. Gallo's idea.	19 Alitalia to reduce the number of employees?
20 Q. And did Mr. Gallo explain to you why?	20 MR. KORAL: Objection.
21 A. Because in order to reach the target of the head	21 A. In 2004 I was -- I mean, Mr. -- the question is
22 office gave to us in order to reduce the cost of the	22 which step has been taken?
23 company and number of employees because it was too	23 Q. Yes.
24 expensive for the company, facing a very strong crisis,	24 A. Okay. I mean it has been taken, if I remember
25 financial crisis, the best way and the legal way because	25 there was call center project. The call center was